

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BALBIR SINGH,)	
)	
)	
Plaintiff,)	
)	
)	
v.)	Civil Action No.: 05-11671-GAO
)	
MGI PHARMA, INC., and)	
MGI PHARMA BIOLOGICS, f/k/a)	
ZYCOS, INC.,)	
Defendants.)	
)	

PLAINTIFF'S INITIAL DISCLOSURES

Pursuant to Fed. R. Civ. P. 26(a)(1), plaintiff Balbir Singh (“Dr. Singh”) discloses the information described below. Pursuant to Fed. R. Civ. P. 26(e), Dr. Singh reserves his right to supplement these disclosures as appropriate.

I. Individuals Likely To Have Discoverable Information

A. Plaintiff

Balbir Singh
1 rue des Castors
68110 Illzach, France

**B. Officers and Employees (current or former) of MGI Pharma, Inc. and
MGI Pharma Biologics (f/k/a Zycos, Inc.)**

Mary Lynne Hedley
MGI Pharma Biologics
44 Hartwell Avenue
Lexington, MA
Subjects: Dr. Singh’s work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

John Rocha
c/o MGI Pharma Biologics
44 Hartwell Avenue
Lexington, MA

Subjects: Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Robert Urban
c/o MGI Pharma Biologics
44 Hartwell Avenue
Lexington, MA

Subjects: Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Janet Rycroft
c/o MGI Pharma Biologics
44 Hartwell Avenue
Lexington, MA

Subjects: Activities of Zycos officials, including activities concerning search for acquirer, Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Leon O. Moulder, Jr.
MGI Pharma, Inc.
5775 West Old Shakopee Road
Suite 100
Bloomington, MN 55437

Subjects: Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Eric Loukas
MGI Pharma, Inc.
5775 West Old Shakopee Road
Suite 100
Bloomington, MN 55437

Subjects: Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Mark Philip
Stryker Biotech
35 South Street
Hopkinton, MA 01748

Subjects: Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

C. **Investors/Representatives of Investors in Zycos**

Ulli Geilinger
HBM Partners
Löwenstrasse 29
8001 Zürich
Switzerland

Subjects: Activities of Daniel Green, including activities relating to Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Daniel Green
HBM Partners
Löwenstrasse 29
8001 Zürich
Switzerland

Subjects: Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Justin Duckworth
HBM Partners
Löwenstrasse 29
8001 Zürich
Switzerland

Subjects: Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

André Lamotte
HBM Partners
Löwenstrasse 29
8001 Zürich
Switzerland

Subjects: Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Arda Minocherhomjee
William Blair Capital Partners
227 West Monroe St., Suite 3500
Chicago, Ill.

Subjects: Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Dolores Williams
William Blair Capital Partners
227 West Monroe St., Suite 3500
Chicago, Ill.

Subjects: Activities of Arda Minocherhomjee, including activities relating to Dr. Singh's work for Zycos, financial status of Zycos, acquisition of Zycos by MGI Pharma, and compensation of Dr. Singh.

Jim Jacoby
Stephens, Inc.
111 Center Street
Little Rock, AK 72201
Subjects: Financial status of Zycos, acquisition of Zycos by MGI Pharma.

Silvain Gareau
CDP Capital
Subjects: Financial status of Zycos, acquisition of Zycos by MGI Pharma.

Dr. Lee M. Nadler
Dana-Farber Cancer Institute
44 Binney Street
Boston, MA 02115
Subjects: Financial status of Zycos, investments in Zycos, and attempts of Zycos to attract investors and locate an acquirer.

D. Financial Advisors of Zycos

Annette Grimaldi
SG Cowan & Co., LLC
1221 Avenue of the Americas
New York, NY 10020
Subjects: Financial status of Zycos, investments in Zycos, and attempts of Zycos to attract investors and locate an acquirer.

Chris Dwyer
SG Cowan & Co., LLC
1221 Avenue of the Americas
New York, NY 10020

Subjects: Financial status of Zycos, investments in Zycos, and attempts of Zycos to attract investors and locate an acquirer.

Stelios Popadoplos
SG Cowan & Co., LLC
1221 Avenue of the Americas
New York, NY 10020

Subjects: Financial status of Zycos, investments in Zycos, and attempts of Zycos to attract investors and locate an acquirer.

E. Introduction of Dr. Singh to Zycos

Mr. Graham Lancashire
Spitzackerstasse 86
CH- 4103 Bottmingen
Switzerland
tel.: 011 41 61 421 9335

Subjects: Introduction of Dr. Singh to Zycos.

Dr. Julian Gray
Blumenacker 33
D-Inzlingen
Germany
tel.: 011 49 7621130811

Subjects: Introduction of Dr. Singh to Zycos.

II. Description By Category And Location Of All Documents

- A. Written and electronic communications between Dr. Singh and others concerning Zycos, Dr. Singh's work for Zycos, and Dr. Singh's compensation.
- B. The written agreement between Dr. Singh and Zycos, and drafts of that written agreement.
- C. Materials circulated by Zycos designed to promote the company, attract investment in the company, and foster the search for an acquirer.

All documents are located at the offices of Scibelli, Whiteley, and Stanganelli, LLP, 50 Federal Street, Fifth Floor, Boston, MA 02110.

III. Computation of Damages

Plaintiff will seek the maximum amount of damages permitted under the law pursuant to all of the counts he has brought against Defendants. Pursuant to the terms of the agreement between himself and Zycos, Dr. Singh is owed an incentive bonus in the amount of \$1.5 million. He is also due monthly consulting fees in the amount of \$50,000.00, and is also due expenses in the amount of about \$1,100.00. He is also entitled to interest on the amounts owed. To the extent that Delaware law applies to the written agreement between the parties, Dr. Singh is entitled to punitive damages based on Defendants' willful breach of known contractual obligations.

To the extent that Dr. Singh cannot recover under any written agreement, he is entitled to *quantum meruit* damages in the amounts set forth above, plus interest.

Because Defendants engaged in willfully unfair and deceptive acts including, without limitation, intentional breaches of known contractual obligations, Dr. Singh is entitled, pursuant to Mass. Gen. L. Ch. 93A, to have any award of damages trebled. He is also entitled to recover attorneys' fees pursuant to Mass. Gen. L. Ch. 93A.

Dr. Singh's damages will be established through, without limitation, those documents described in Section II of these Initial Disclosures above.

Respectfully submitted,

BALBIR SINGH
By his attorneys,

/s/ C. Alex Hahn
Joseph L. Stanganelli (BBO #628958)
Anthony A. Scibelli (BBO #556507)
C. Alex Hahn (BBO #634133)
Scibelli, Whiteley and Stanganelli, LLP
50 Federal Street, 5th Floor
Boston, MA 02110
(617) 227-5725

Dated: November 10, 2005